

IAP7 Rec'd PCT/PTO 18 MAY 2006

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

274751.105

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

1079637

INTERNATIONAL APPLICATION NO.  
PCT/US2004/038774

INTERNATIONAL FILING DATE  
18 November 2004

PRIORITY DATE CLAIMED  
19 November 2003

TITLE OF INVENTION  
Recovery of Phytonutrients from Oils

APPLICANT(S) FOR DO/EO/US

Ho, David, Sue San

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13/ter.2 and 37 CFR 1.821- 1.825.
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td>22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2">If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td></td> </tr> <tr> <td colspan="2">All other situations.....</td> <td>\$200</td> <td></td> </tr> <tr> <td colspan="2">23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))</td> <td></td> <td></td> </tr> <tr> <td colspan="2">If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td></td> </tr> <tr> <td colspan="2">Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....</td> <td>\$100</td> <td></td> </tr> <tr> <td colspan="2">International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....</td> <td>\$400</td> <td></td> </tr> <tr> <td colspan="2">All other situations.....</td> <td>\$500</td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL OF 21, 22 and 23 =</b></td> <td><b>300</b></td> <td></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).</td> <td></td> <td></td> </tr> <tr> <td colspan="2">The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> <td></td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> <td></td> <td></td> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="6">Surcharge of <b>\$130.00</b> for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> </tr> <tr> <td colspan="2">CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td>\$</td> </tr> <tr> <td colspan="2">Total claims</td> <td>67</td> <td>- 20 = 47</td> <td>x \$50</td> <td>\$ 2,350</td> </tr> <tr> <td colspan="2">Independent claims</td> <td>1</td> <td>- 3 = N/A</td> <td>x \$200</td> <td>\$ -----</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360</td> <td>\$</td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td><b>\$ 2,350</b></td> <td></td> </tr> <tr> <td colspan="4"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</td> <td></td> <td></td> </tr> <tr> <td colspan="4"></td> <td><b>SUBTOTAL =</b></td> <td><b>\$ 2,650</b></td> </tr> <tr> <td colspan="4">Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> <td>+ \$</td> <td></td> </tr> <tr> <td colspan="4"></td> <td><b>TOTAL NATIONAL FEE =</b></td> <td><b>\$ 2,650</b></td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> <td>+ \$</td> <td></td> </tr> <tr> <td colspan="4"></td> <td><b>TOTAL FEES ENCLOSED =</b></td> <td><b>\$ 2,650</b></td> </tr> <tr> <td colspan="4"></td> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td>Amount to be charged</td> <td>\$</td> </tr> </table>						21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$300	CALCULATIONS	PTO USE ONLY	22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0		All other situations.....		\$200		23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))				If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....		\$0		Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....		\$100		International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....		\$400		All other situations.....		\$500		<b>TOTAL OF 21, 22 and 23 =</b>		<b>300</b>		<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).				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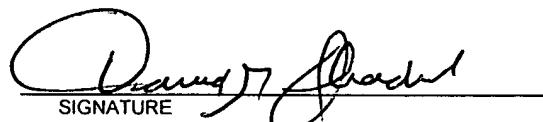
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- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3325. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

  
\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
David G. Oberdick, Esquire  
\_\_\_\_\_  
NAME  
\_\_\_\_\_  
39,527  
\_\_\_\_\_  
REGISTRATION NUMBER

10/579637

AP20Rec'dPCT/P10 18 MAY 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re: Application of:</b> <b>David, Sue San Ho</b>	
<b>U.S. Serial No.:</b>	
<b>PCT No.: PCT/US2004/038774</b>	
<b>International Filing Date: 11/18/2004</b>	<b>Recovery of Phytonutrients From Oils</b>
<b>Group Art Unit:</b>	
<b>Docket No. 274751.105</b>	
<b>Examiner:</b>	
<b>Customer No: 42161</b>	

**TRANSMITTAL LETTER**

May 18, 2006

Mail Stop PCT  
 Commissioner For Patents  
 P.O. Box 1450  
 Alexandra, Virginia 22313-1450

Sir or Madam:

Please find enclosed: a Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 U.S.C. 371 (3 pps.); a Preliminary Amendment With United States 35 U.S.C. § 371 Filing (14 pps.); a Return Receipt Postcard; and an Express Mail Certification (1 pg.) in respect to the application of David, Sue San Ho.

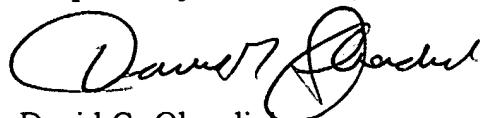
Please send all correspondence in connection with this application to Meyer, Unkovic & Scott LLP, 1300 Oliver Building, Pittsburgh, PA 15222.

Please be authorized to charge any fees and or credit any overpayments to deposit account 50-3325. The below-signed individual is an authorized user of said account.

(signature on next page)

IAP20 Rec'd PCT/PTO 18 MAY 2006

Respectfully submitted,



David G. Oberdick  
Reg. No. 39,527

Christian M. Best, Esq.  
Reg. No. 49,082

Meyer, Unkovic & Scott LLP  
1300 Oliver Building  
Pittsburgh, PA 15222  
412-456-2800

Attorneys for Applicant

DGO/CMB/tma

AP20 Rec'd 10 MAY 2006  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re: Application of:</b> David, Sue San Ho  <b>U.S. Serial No.:</b>  <b>PCT No.:</b> PCT/US2004/038774  <b>International Filing Date:</b> 11/18/2004  <b>Group Art Unit:</b>  <b>Docket No.</b> 274751.105  <b>Examiner:</b>  <b>Customer No:</b> 42161	<b>Recovery of Phytonutrients From Oils</b>
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Pittsburgh, Pennsylvania  
 May 18, 2006

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 Commissioner For Patents  
 P.O. Box 1450  
 Alexandra, Virginia 22313-1450

**EXPRESS MAIL CERTIFICATION**

**37 C.F.R. §1.10**

Express Mail Label No.: EV 835215825 US

Date of Deposit: May 18, 2006

Description of Contents:

Transmittal Letter (1 pg.); Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 U.S.C. 371 (3 pps.); Preliminary Amendment With United States 35 U.S.C. § 371 Filing (14 pps.); Return Receipt Postcard.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandra, Virginia 22313-1450.

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Marcia A. Craig

(Typed or printed name of person mailing paper or fee)

Marcia A. Craig

(Signature of person mailing paper or fee)